

02.02.2023

Item No.171
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 89 of 2023

**Sekender Sk.
versus
The State of West Bengal**

In Re: An Application under Section 401 read with Section 482 of the Code of Criminal Procedure.

Mr. Kalyan Kumar Bhattacharjee,
Ms. Reshmi Khatun ... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Ms. Debjani Sahu ... For the State.

Mr. Bhattacharjee, learned advocate appears for the petitioner and is aggrieved by the warrant of arrest which was issued by the learned Additional Chief Judicial Magistrate, Diamond Harbour on 04.11.2022.

The record reflects that the learned Magistrate on receipt of the charge-sheet was pleased to take cognizance of the offence and thereafter issued warrant of arrest against the present petitioner and two others.

Learned advocate appearing for the petitioner is directed to serve a copy of this revisional application upon the learned Public Prosecutor, High Court, Calcutta.

I have perused the order and the contentions so advanced. I do not find any subjective satisfaction has been recorded by the learned Magistrate on his reasoning that the petitioner was absconding and as such, warrant of arrest has been issued.

Mr. Mukherjee, learned Public Prosecutor opposes such prayer of staying the warrant of arrest. However, having

regard to the fact that the investigation has been concluded, I direct that in case the petitioner surrenders before the learned Additional Chief Judicial Magistrate, Diamond Harbour, the learned Additional Chief Judicial Magistrate, Diamond Harbour would consider the materials appearing in the case diary, the necessity of the person to be taken in custody, if at all, give the public prosecutor an opportunity to advance the case of the State and thereafter decide the application for bail of the petitioner in accordance with law.

The warrant of arrest so issued be stayed till 20.02.2023.

If the petitioner does not surrender by 20.02.2023, on 21.02.2023, the learned Magistrate would be at liberty to shift to the next harsher process of law.

With the aforesaid observations, the revisional application being CRR 89 of 2023 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)